THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.11926 of 2006

Dated:16th June, 2006

Between:

V.Srinivasulu Reddy.

…..PETITIONER

AND

A.P.State Road Transport Corporation,
Rep by its Managing Director, Musheerabad,
Hyderabad – 20 & 2 others.

….RESPONDENTS

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.11926 of 2006

ORDER:

The petitioner is assailing the order of the 2nd respondent in proceedings No.E3/756(4)/05-RM(N), dated 30-9-2005 withholding an amount of Rs.88,010/- from his retirement benefits, and he consequently seeks a direction to the respondents to grant all consequential benefits.

The petitioner was retired from the respondent Corporation on 31-5-2005. After his retirement the impugned proceedings dated 30-9-2005 were passed by the Regional Manager, A.P.S.R.T.C, Nellore region, Nellore withholding an amount of Rs.88,010/- from the retirement benefits of the petitioner on the ground that the petitioner during his tenure as Depot Manager at Sullurpet though personally acknowledged the Court attachment orders dated 20-9-2001 issued by the Principal Junior Civil Judge, Nellore directing to withhold an amount of Rs.80,000/- out of retirement benefits of one Sri Chebolu Venkaiah, Assistant Depot Clerk, has not implemented the same and paid the settlement amounts in full to the above said Assistant Depot Clerk.

Learned counsel for the petitioner submitted that the impugned orders are passed without giving any notice to the petitioner and the petitioner has not disobeyed the orders of the Principal Junior Civil Judge, Nellore. The learned counsel therefore prayed that the impugned order be quashed and the respondents be directed to pay

all consequential benefits.

Learned Standing Counsel for A.P.S.R.T.C submitted that the impugned order though passed without issuing any notice to the petitioner, is passed for willful disobedience by the petitioner in implementing the court attachment orders to withhold an amount of Rs.80,000/- out of retirement benefits of one Mr. Sri Chebolu Venkaiah, Assistant Depot Clerk. However, the learned counsel submitted that the impugned proceedings issued to the petitioner be treated as a show-cause notice for which the petitioner agreed.

Heard the learned counsel for the petitioner as also the learned Standing Counsel for the Corporation.

In view of the agreed stand taken by both the counsel, I deem it appropriate to dispose of the writ petition as under:

The writ petition is disposed of with a direction to the petitioner to treat the impugned proceedings No.E3/756(4)/05-RM(N), dated 30-9-2005 issued by the respondent No.2/Regional Manager, A.P.S.R.T.C., Nellore Region, Nellore as a show-cause notice, and submit his explanation to the said show-cause notice, within a period of two weeks from the date of receipt of a copy of this order, and on such explanation being filed by the petitioner, the respondent No.2/Regional Manager, A.P.S.R.T.C., Nellore Region, Nellore, after taking into consideration the contents of the explanation, to pass appropriate orders, in accordance with law. No costs.

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(N.V. RAMANA, J.)

Date:16th June, 2006.

GRK